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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/658,427 | 09/10/2003 | Norio Yanagi | N3236.0041 | 3182 |

32172 7590 03/06/2007
DICKSTEIN SHAPIRO LLP
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NEW YORK, NY 10036-2714

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| EXAMINER |
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PARK, JEONG S

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| ART UNIT | PAPER NUMBER |
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2109

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/06/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/658,427 | YANAGI, NORIO | |
| | Examiner | Art Unit | |
| | Jeong S. Park | 2109 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 9/10/2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 9/10/2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/10/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Foreign priority is not accepted because:

The inventors and the title, "Method and Apparatus for Peeling", of the applicant claimed as a foreign priority patent document (Japan P2002-264916) do not match with the current application inventors and the subject matter.

Drawings

2. The drawings are objected to because:

There are no reference characters in figure 7A, 7B and 7C.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 2-8 and 10-16 are objected to because of the following informalities:

In claims 2-8 and 10-16, line 1, the phrase "data transmission system" should be corrected as --said data transmission system-- for clear understanding of the claim; and

In claims 8 and 16, line 4, the word "information" should be corrected as --said information-- for clear understanding of the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-9, and 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhao et al. (hereinafter Zhao)(U.S. Pub. No. US 2003/0023712 A1).

Regarding claims 1 and 9, Zhao discloses as follows:

A supervisory monitoring and controlling system in data transmission system (system for network service management collecting system information from end users on client computers, see, e.g., page 1, paragraph [0008], lines 10-15) comprising;

A WEB browser to display information about supervision on a monitored object to be supervised (JARTA component installed on an end user web browser, which means

the end user is installed with a web browser, see, e.g., page 10, paragraph [0239], [0240] and figure 10);

A supervisory monitoring and controlling unit (site monitor system, see, e.g., page 2, paragraph [0031] and figure 1) to produce information about supervision and control on said monitored object (clients and servers, see, e.g., figure 5) to be supervised and to feed said information to said WEB browser;

Said supervisory monitoring and controlling unit (site monitor system) has at least one WEB application server (site monitor, see, e.g., page 5, paragraph [0074], [0075], reference character 503 in figure 6) to produce said information about the supervision and control on said monitored object to be supervised as the information being able to be displayed by said WEB browser (installed in clients, reference character 11 and 17 in figure 1); and

At least one supervisory information management server (agents JARTA/STM, see, e.g., page 2, paragraph [0031] and figure 1) to collect and manage said information about the supervision and control on said monitored object to be supervised and to feed it to said WEB application server, and wherein said WEB application server and said supervisory information management server are physically separated (JARTA/STM installed in each client collects data, sends to management server and to be viewed from clients using web browser installed, see, e.g., page 2, paragraph [0031] and figure 1).

Regarding claims 3 and 11, Zhao discloses WEB application server (site monitor inside the management server, 503 in figure 6) is placed depending on a scale of said

monitored object (various server and client computers, 501 and 502 in figure 6) to be supervised wherein changing the number of site monitors depending of a scale of monitored object is inherent because the monitoring system always has limited capacity to provide a quality of service, see, e.g., page 5, paragraph [0075]).

Regarding claims 4 and 12, Zhao discloses that a plurality of said supervisory information management servers (clients installed with JARTA/STM) is placed depending on a scale of said monitored object to be supervised (JARTA/STM is installed in all clients to be monitored, see, e.g., page 2, paragraph [0031] and figure 1).

Regarding claims 5 and 13, Zhao discloses as follows:

Monitored object to be supervised is of a two or more layered structure (individual server view, domain view as a group of server, and site overview; see, e.g., figure 8); and

Said plurality of said supervisory information management servers are so configured as to manage, in a shared manner, the supervisory monitoring and controlling information corresponding to each of layers making up said layered structure. (JARTA data gathered from client computers, 17 in figure 1, is combined with data gathered at server computers, 12 in figure 1, to give an administration an integrated, end-to-end view of monitored objects as well as individual view, see, e.g., page 5, paragraph [0072], lines 9-12)(a site administrator can examine the performance of individual server and the entire site at once by providing a means to aggregate data associated each of the individual servers into a more central knowledge module, see, e.g., page 4, paragraph [0061] and [0062]).

Regarding claims 6 and 14, Zhao discloses that the exchange of information between said WEB application server (management server, 10 in figure 1) and said WEB browser (end user browser client in figure 10 and client, 17 in figure 1) is carried out by an HTTP (Since Zhao discloses that end user browses the management server to view monitoring information, using Hyper Text Transfer Protocol is inherent, see, e.g., page 10, paragraph [0239], [0240] and figure 10, and also Zhao discloses the capability to handle HTTP by the site monitor system, see, e.g., page 4, paragraph [0071]).

Regarding claims 7 and 15, Zhao discloses that exchange of information between said supervisory information management server and said monitored object to be supervised is carried out by a TCP/IP (Zhao discloses that sending XML data via HTTP POST operation, see, e.g., page 8, paragraph [0171], since HTTP is an upper layer over TCP/IP layer, using Transmission Control Protocol/Internet Protocol between the server and monitored object is inherent).

Regarding claims 8 and 16, Zhao discloses that said WEB browser is a browser for a mobile terminal and said WEB application server is so configured as to produce information being able to be displayed by said browser for said mobile terminal each LAN used to be monitored include one or more laptop or notebook computer systems, see, e.g., page 3, paragraph [0053] and each mobile terminal is installed with a web browser, see, e.g., page 10, paragraph [0239], [0240] and figure 10).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2109

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao et al. (hereinafter Zhao)(U.S. Pub. No. US 2003/0023712 A1) in view of Waldo et al. (hereinafter Waldo)(U.S. Patent No. US 6,185,611 B1).

Regarding claims 2 and 10, Zhao discloses as follows:

JARTA includes a mixture of JavaScript and Java applets tied together to collect, correlate, report and view the monitoring information (see, e.g., page 10, paragraph [0239]) except for disclosing a Java RMI(Remote Method Invocation) interface.

Waldo disclose as follows:

Using Java RMI for a lookup service (see, e.g., col. 5, lines 8-19 and lines 36-47 and reference character 218 in figure 2); and

A lookup service contains an indication of where network services are located within a distributed system comprised of multiple machines, such as computers and related peripheral devices, connected in a network (see, e.g., page 2, lines 20-29).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Zhao to include using Java RMI interface in a network for data transmission as taught by Waldo in order to increase the reliability and efficiency of data transmission and provide a transparent transmission.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-

1597. The examiner can normally be reached on Monday through Thursday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSP
March 2, 2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Frantz Jules", is written over a horizontal line. Below the line is a large, stylized oval shape.